



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. § 1.8

I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service as first class mail on this 9th day of October, 2006 in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Carol D. Stemmler

Carol D. Stemmler

In re application of:

Cai et al.

Serial No.: 10/709,826

Filed: June 1, 2004

For: Methods for Corn Transformation

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Examiner: Li Zheng

Group Art Unit: 1638

Conf. No. 3825

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

- X Response to Election/Restriction Requirement Under 35 USC §121
- X Return Postcard
- X If an extension of time is required, but is not enclosed,
please consider this a conditional petition therefor and charge Deposit Account
13-4125 accordingly.
- X No fee is believed required with this filing.
- X Please charge any deficiencies or credit any overpayment to Deposit Account 13-
4125. A duplicate copy of this sheet is attached.

Respectfully submitted,

M. Todd Rands

M. Todd Rands

Reg. No. 46,249

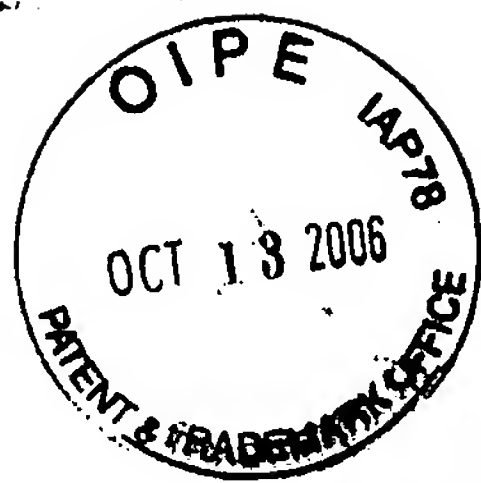
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IFW



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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT UNDER 35 USC §121

MAIL STOP AMENDMENT

Commissioner for Patents

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Alexandria, Virginia 22313-1450

Dear Sir:

This paper is filed in response to the Office communication dated September 7, 2006. It is respectfully requested that the election below be entered with traverse and that the application be examined on the merits.

REMARKS

In the action dated September 7, 2006, the U.S. Patent and Trademark Office required restriction under 35 USC §121 from among the following groups:

I Claims 1-28, drawn to a method for producing a transformed cereal plant or maize, classified in class 435, subclass 469, for example.

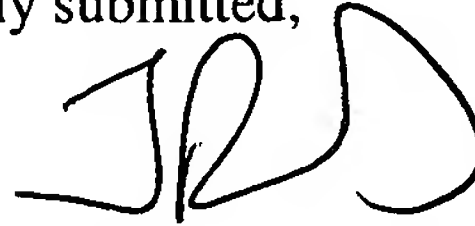
II Claim 29, drawn to a method for increasing the transformation efficiency of a cereal transformation, classified in class 435, subclass 469, for example.

Applicants elect Group I consisting of Claims 1-28 with traverse and respectfully request that the application be examined on the merits. Applicants believe that it would not create an undue burden on

the Examiner to conduct a search encompassing all of the claims. Further, Applicants reserve the right to file divisional applications to further prosecute non-elected groups.

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JRD', written over a horizontal line.

M. Todd Rands
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